

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

GERALD ROYCE ALESHIRE,  
Plaintiff,

Case No. C05-5296FDB

OFFICER CHRIS RATHBUN,  
Defendant.

**ORDER DISMISSING  
COMPLAINT WITHOUT  
PREJUDICE PURSUANT TO  
FED. R. CIV. P. 41(b)(2)**

The Court, having reviewed the Report and Recommendation of Magistrate Judge Karen L. Strombom, objections to the report and recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
  - (2) Plaintiff's complaint is DISMISSED without prejudice;
  - (3) The Clerk is directed to terminate this action pursuant to Fed. R. Civ. P. 41(b)(2); and
  - (4) The Clerk is directed to send copies of this Order to plaintiff and to the Hon. Karen L. Strombom..

DATED this 6<sup>th</sup> day of March 2006.

on 2006.

FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE